

**TOWN OF GILBERT
PLANNING COMMISSION - STUDY SESSION**

**Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
February 5, 2020**

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenue
Noah Mundt
Scott September
Jän Simon
Les Smith

COMMISSION ABSENT:

Philip Alibrandi, Alternate
Nathan Mackin, Alternate

STAFF PRESENT:

Sydney Bethel, Planner II
Keith Newman, Planner II
Amy Temes, Senior Planner
Catherine Lorbeer, Principal Planner
Eva Cutro, Planning Division Manager
Nancy Davidson, Assistant Town Attorney

COUNCIL LIAISON PRESENT:

Brigette Peterson

RECORDER:

Dana Desing

CALL TO ORDER

Chair Andersen called the February 5, 2020 Study Session of the Planning Commission to order at 5:04 p.m.

- 1. UP19-53 SANA BEHAVIORAL HOSPITAL: Request to approve a Conditional Use Permit for approximately 3.79 acres of real property located at 2018 E. Mercy Road to allow a hospital in the General Office (GO) zoning district, subject to conditions.**

DR19-189 SANA BEHAVIORAL HOSPITAL: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 3.79 acres, located at 2018 E. Mercy Road, and zoned General Office (GO) with a Planned Area Development (PAD) overlay.

Senior Planner Amy Temes presented UP19-53 and DR19-189 Sana Behavioral Hospital on behalf of Planner Ashlee MacDonald. The 3.79 acre site is located off of Mercy Road near Pecos Road and the 202 and is surrounded by General Office and rezoned General Plan except for two lots directly to the south and southeast of the site. There are other medical and care facilities in the area. It is an irregular-shaped site and the top triangular portion is dedicated to landscape/retention uses. The plan is for a 16,400 SF behavioral health hospital, age-restricted for 55 and older, with 24 beds. A use permit is required for a hospital within the General Office zoning district. This was part of the Celebration Campus PAD that was processed a while back and 156 Street was part of that Major General Plan Amendment. The road alignment will need to be adhered to as part of the previous amendment.

The Conditional Use Permit to allow a hospital as defined under the Land Development Code (LDC) does not permit treatment for pedophilia, exhibitionism, voyeurism, other similar conditions or court-ordered patients. It will be a secured facility. The access to the site will be off of 156 Street and Mercy Road. There is a future expansion planned adjacent to the facility. The site and the parking do meet code requirements. There is an existing 8-foot wall screening the houses to the south and southwest. An additional wall will be placed on the north/northeast side of the site. The site is 40% landscaped with an outdoor courtyard for patients. Refuse services and the emergency generator are located at the top of the site near the triangular parcel which is dedicated to landscape. Materials include copper metal panels in a diamond pattern, metal painted canopies

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over the windows, and louvered screening for the mechanical units on the roof. The building jogs in and out for horizontal movement. The louvered mechanical screening on the roof is not used anywhere else on the buildings or the site. The mechanical screening is located directly behind the main entrance of the facility and on the far northwest area. Staff suggested using the louvered material on the emergency generator and as doors on the refuse enclosure on the north elevation which is visible from Mercy Road to tie that material in to more of the site. Renderings of existing structures in other communities were provided to show the colors, massing and overall aesthetic of the building, although those do not have the canopies proposed for this site.

Staff is requesting feedback from the Commission regarding the use in this location, whether the louvered screening material was appropriate and blends in with the building and whether the building has enough movement and interest.

COMMISSION COMMENTS:

Use Permit:

Commissioner Cavenee asked about feedback from any neighborhood meetings.

Ms. Temes reported that the applicant has done a lot of neighborhood outreach. The owner of the site actually lives in the neighborhood. At this point in time no neighbors have reached out.

Commissioner Cavenee asked for clarification that there are no distance requirements between residential and this kind of use.

Ms. Temes stated with the Use Permit, this use is allowed adjacent to other uses. There are distancing requirements regarding building and landscape setbacks next to residential that are larger than typical. Those setback requirements as well as all code requirements have been met.

Design Review:

Chair Andersen felt it was a nice-looking building and suggested that it be placed on the consent agenda for next month.

Ms. Temes asked if there were any concerns with the louvered material only being located on the roof.

Chair Andersen clarified that there were no concerns with the louvered material only being used on the roof for mechanical screening.

2. DR19-178 GILBERT MEDICAL OFFICE BUILDING: Site plan, landscaping, grading and drainage, elevations, floor plans, lighting, and colors and materials for approximately 2.52 acres, generally located north of the northeast corner of Rome and Melrose Streets and zoned General Office with a Planned Area Development (PAD) overlay.

Senior Planner Amy Temes presented DR19-178, Gilbert Medical Office Building, approximately 2.52 acres located on Rome Street. To the north of the site is The Oaks care facility, to the south is Copper Springs behavioral health facility which is near completion, to the west is an ortho-rehab facility, the Ironwood Cancer facility, a new office building being constructed along Rome Street, and a few other smaller medical office buildings. The area is growing up quite nicely with medical office and this is an appropriate use for the area and it is by right.

The site plan shows a modern approach to the walls and screening of the area. The landscape is consistent with other landscape along Rome Street. Staff has no outstanding issues with the site plan or the design as proposed as it is consistent with the area and meets code. Colors and materials were reviewed. The building includes a metaphorical representation of spinal vertebrae to represent the ortho/spinal medical specialties that will locate in the building. The applicant has made changes according to staff's first review comments and staff has no outstanding issues with the elevations as proposed. The building is designed for single or multiple tenants.

Staff is requesting Commission input regarding the overall design, elevations, colors, and materials. The applicant has requested construction documents at risk.

COMMENTS/QUESTIONS FROM THE COMMISSION:

Vice Chair Bloomfield felt the representation of vertebrae was interesting and appreciated that insight regarding the architect's vision. He liked the building and felt it had more articulation than what the Commission is used to seeing. He felt the colors and materials were standard run-of-the-mill, although he had no issues with what was proposed.

Commissioner September liked the design, the parapet, the movement and elevations. He also liked the use of the attractive trellises on the building corners and felt it added another element to dress up the structure.

Chair Andersen stated there was consensus among the Commission in favor of the design.

3. DR19-193 HIGLEY SELF STORAGE: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 2.16 acres, located at 1161 S. Higley Road, and zoned Maricopa County C-2.

Senior Planner Amy Temes presented DR19-193, Higley Self Storage, located at Higley Road and the 202 Freeway on 2.16 acres. The site is a remnant ADOT parcel. There is a large billboard that exists in front of the site. ADOT is agreeable with the access proposed at the shared drive and it meets their requirements. The applicant is working through some key issues regarding landscape, access, and some comments from Fire. The building is proposed at 96,740 SF, 3 stories, with a lot of visibility from the freeway. The site is required to have 8 parking spaces and will share the right in/right out access. Staff would like to hear from the adjacent property owner regarding agreement for the shared access. Such agreement would be required as part of the design and construction document process.

The site is located within the Gateway Character Area, which is more traditional neighborhoods, grid patterns, and somewhat reminiscent of the heritage of the area. As the site is located right along the freeway, the red brick is not mandatory per the code. It is a very large building with the south elevation facing the freeway. The main entrance and parking are located on the north side as well as the landscape area as required by code. Some red brick is being offered on the lower portion of the building on the first floor, with additional accent colors and materials above. The storage doors will be set back greater than 6 feet from the windows and do not count as signage or a representation of what is occurring in the building.

Staff is looking for Commission feedback on how the use is implemented on the site and the elevations, particularly the articulation of the south elevation which faces the 202 Freeway.

COMMENTS/QUESTIONS FROM THE COMMISSION:

Commissioner Cavenee stated with this kind of prominent freeway frontage, we definitely care about how it looks. He felt it typically would not be a nice place for storage, although given the lot at the intersection, he understood it could be very difficult to find the right use for this site. He thought it was probably a great use given the configuration of the site and the challenges. The applicant has done a good job of creating some variation to the horizontal and vertical lines to create some interest on a big building. He liked how specific space was set aside for sign bands that could otherwise get lost on a building this large. The color changes he thought were probably enough for a building this large. He felt perhaps the parapet line was a little bit flat with not a lot of vertical movement, although that might be hard to do on a storage building this long. It looks like the applicant has tried to bring it up in the corners with a column or two. Other than the parapet line appearing a little flat, he really liked the design of the building.

Ms. Temes stated that typically on a building of this size, staff looks for a minimum of 2 feet in variation vertically. She will mention the comments to staff and the dimensions will be double checked.

Commissioner September thought the applicant did a pretty good job taking an almost 100,000 SF box and making it look interesting. He asked if there would be a CMU wall between the freeway and the building and if so, would the red brick at the bottom be visible from the freeway or from off property. He suggested moving the red brick feature higher up on the building to provide more of an interesting feature that people will see.

Ms. Temes appreciated that perspective. She did not see a wall noted on the landscape plan. Typically, when adjacent to an ADOT right-of-way, a wall or fence is required. Walls have been done fairly consistently in order to petition ADOT to remove their chain link fence. This site does not seem to be abutting the ADOT right-of-way, but is located between the ADOT right-of-way and the freeway off-ramp with another parcel that has billboards. Staff will check to see if a wall is appropriate for this site. As vehicles are gaining grade coming towards Higley Road, some of the red brick will be visible, although coming off of the freeway it probably would not be visible. Ms. Temes felt the red brick might be used as a vertical element instead, although she will look into raising the horizontal line of red brick.

Commissioner Cavenee felt a wall may not be needed here. In another case, an acoustical sound wall was needed, although this location may not generate such sound as to require a wall.

Ms. Temes felt a wall may not be required, especially with the adjacent billboard property. If it is like zoning, there may not be that wall requirement. What Commissioner Cavenee referred to was a solid wall adjacent to noise-sensitive uses. Adjacent to non-noise-sensitive uses such as retention and shopping center, an open decorative fence has been used.

Commissioner Mundt noted that the rooftop looked a little bit like a shipping container. He felt some type of accent on the roof would add a significant amount of flair for a nominal price.

Chair Andersen noted the location of the trash enclosure and asked how a collection truck would maneuver in and out of the site.

Ms. Temes stated a truck would come in at an angle, back up maneuvering the tail end of the truck to the east on the fire lane, and then go forward out to Higley Road. She will look at how that radius may be rounded out to make that turn easier.

Chair Andersen asked for clarification that this use only needed eight parking spaces.

Ms. Temes verified that only 8 parking spaces were needed.

4. GP19-04 MERCY VAL VISTA CENTER: Request for Minor General Plan amendment to change the land use classification of approx. 11.35 acres generally located at the Southeast corner of Val Vista Dr. and Mercy Rd. from General Office (GO) to General Commercial (GC) and Business Park (BP) land use classification.

Z19-13 MERCY VAL VISTA CENTER: Request to rezone approx. 11.35 acres generally located at the Southeast corner of Val Vista Dr. and Mercy Rd. from General Office (GO) to General Commercial (GC) and Business Park (BP) zoning district with a Planned Area Development (PAD) overlay.

S19-08 MERCY VAL VISTA CENTER: Request to approve Preliminary Plat and Open Space Plan for 5 lots on approx. 8.97 acres generally located at the Southeast corner of Val Vista Dr. and Mercy Rd. and zoned General Office (GO).

Planner Keith Newman presented GP19-04, Z19-13, and S19-08, Mercy Val Vista Center on 11.35 gross acres. The proposal is for a Minor General Plan Amendment from General Office (GO) to General Commercial (GC) and Business Park (BP) and a zoning change also from General Office (GO) to General Commercial (GC) and Business Park (BP) with a Planned Area Development (PAD) overlay. The site is located just south of the Gilbert Mercy Medical Center on the southeast corner of Val Vista Drive and Mercy Street in a prominent medical growth area. The west half of the property will be General Commercial with the east portion Business

Park, and the zoning follows the same designations. The site is within the Val Vista Medical Growth Area and in close proximity to the hospital and medical uses. Per the General Plan, the Town anticipates that this area will continue to grow with Medical Offices, General Office and Business Park uses supported by compatible mixed-use commercial and hospitality uses. The proposed Commercial uses will be predominantly located along Val Vista Drive, similar to the recently approved Melrose Commercial along the frontage of Val Vista. The Business Park zoning already exists in the Val Vista Medical Growth Area. A Preliminary Plat is being done in conjunction with this request. The site will contain five total lots, 15,600 SF of Commercial, 24,900 SF of Office/Medical uses, and a 58,000 SF six-story hotel.

The applicant is requesting several PAD deviations. The General Office zoning does not allow hotel uses and limits retail and restaurant uses. According to the applicant, the GC zoning along Val Vista Drive would benefit from the existing high volume of vehicular movement on Val Vista as well as being close to the 202 Freeway, that will in turn provide restaurants and other commercial uses that will be highly utilized by people who work in the area, especially with a large employment center such as the Gilbert Mercy Hospital. The applicant believes these Commercial and Business Park uses are compatible with the adjacent zoning districts in this area, which consist of General Commercial recently approved to the south, General Office and Public Facility/Institutional type uses. The proposed uses will provide needed services in the area that do not currently exist on the east side of Val Vista Drive.

Along the north property boundary, the applicant is requesting zero building and landscape setbacks due to the existing 20' RWCD easement which is required to remain open, and a 20' drainage/landscape tract, totaling 40 feet. With the Mercy Road right-of-way landscape strip, that would create approximately 70' of landscape and setbacks from the roadway. This is a unique situation where 20' or more of property is taken by easements and retention tracts. The applicant strongly believes that a zero-foot setback is appropriate due to this situation.

There is a 13' drive aisle from Val Vista along the southern property boundary required per the ID20 Circulation Plan that was established for the original PAD on the site. Without that required drive aisle, the applicant could easily add the landscaping and show the building setback. The applicant is proposing instead to place landscaping north of the drive on the southern edge of the parking lot to accommodate the drive aisle.

Along the eastern boundary (rear), the applicant is requesting a 10' deviation from the building and landscape setbacks to accommodate parking and trash enclosures, which are adjacent to the trash enclosures for the Ironwood Cancer Center. The overall width of the landscape tract would be 25' which the applicant believes will provide plenty of room to create a good buffer between adjacent uses.

The applicant is requesting a zero setback between interior lot lines. Town staff has recommended that the same language be used for interior lot line setbacks as in Commercial districts in order to provide flexibility for the future. In Commercial districts, the interior lot line setbacks may be reduced or eliminated, provided the project meets Town of Gilbert Commercial Design Guidelines and is part of a Master Site Plan. The Preliminary Plat is for 5 total lots and the Master Site Plan is identical. The interior landscape details will come later with the Design Review for each PAD site.

Staff is requesting input from the Commission on the General Plan Amendment, PAD rezoning, proposed deviations, and the design of the Preliminary Plat.

COMMENTS/QUESTIONS FROM THE COMMISSION:

Commissioner Cavenee thought the General Plan and zoning changes were great and that this was a good use here. Commercial on the frontage will be very beneficial here given all of the office buildings that are going in. He struggled with the deviations requested. He understood the north boundary deviation because of the standing fixed easements. Mr. Newman made a great point that is often a concern with approving these types of requests, that this could change to something completely different and we have now granted these deviations forever. To make allowances on setbacks that might later not be utilized in the way we anticipated concerned him. Aside from the deviation on the northern boundary, he was not comfortable with the balance of the reductions.

Commissioner Simon agreed regarding the northern deviation request. Without knowing specifically that there are projects ready to go on the site, he was not sure he would be fully supportive of all of the requested changes. Otherwise, he liked the plan.

Commissioner September agreed with Commissioner Cavenee regarding the setback deviation where there is the RWCD and drainage/landscape easements that are already creating a natural buffer. He would agree with the internal lot line setback language that staff proposed. He was glad to see more development in the Val Vista Medical Growth Area and felt it was good for Gilbert.

Chair Andersen confirmed that the Commission was in agreement with the feedback voiced by Commissioner Cavenee. He noted that the design may change as it goes into Design Review. This is just to check off on the application.

5. GP19-15 LIFETIME SOUTH GILBERT: Request for Minor General Plan Amendment to change the land use classification of approx. 17.85 acres generally located at the southwest corner of Val Vista Drive and Ocotillo Road from Residential > 2-3.5 to General Commercial. The effect of this amendment will be to change the plan of development to allow commercial development.

Z19-27 LIFETIME SOUTH GILBERT: Request to rezone approximately 17.85 acres of real property generally located at the southwest corner of Val Vista Drive and Ocotillo Road from Single Family -35 (SF-35) zoning district to General Commercial (GC) zoning district with a Planned Area Development overlay zoning district (PAD) to modify maximum building height and to modify setback requirements in proximity to residential property.

Senior Planner Amy Temes presented GP19-15 and Z19-27, Lifetime Fitness South Gilbert, located at the southwest corner of Val Vista Drive and Ocotillo Road. The site is currently a farm field and is General Plan Residential >2-3.5 DU/Acre. The applicant is proposing a minor General Plan Amendment to General Commercial as well as a rezone from SF-35 to General Commercial with a PAD overlay.

The proposal is for a 123,000 SF building with parking in front and outdoor activity areas. There was a neighborhood meeting held in December with six residents in attendance. Some were excited about having a high-quality commercial amenity in the area. This area of south Gilbert is somewhat underserved in amenities and commercial shopping centers. Some concerns were expressed regarding the use, the lighting and traffic that would be generated by this use as well as a nearby school that is being developed. The school is outside of the discussion on this item tonight.

The applicant is requesting a modification from the existing height of 45' for General Commercial to 54' at the main entrance to the building and the area over the basketball court. That represents 25% or less of the roof area of the building, which is not substantial. Ms. Temes noted the packet states a deviation is being requested for the building step-back within 81 feet of residential, which should state 92 feet. The LDC requires a building step-back within 100 feet of residential uses. The applicant is requesting that the exterior stairwell project into that 100 feet by 8 feet. The stairwell would be restricted for emergency use only and would not be used by the public. The stairwell will be properly articulated with the building through the Design Review process.

Staff is requesting input from the Commission on the proposed change from Residential >2-3.5 DU/Acre to General Commercial and the rezone from SF-35 to General Commercial/PAD with the two modifications.

COMMENTS/QUESTIONS FROM THE COMMISSION:

Vice Chair Bloomfield did not have a problem with the GP and zoning changes, but he thought it warranted a discussion about the whole area with the lack of amenities and services. This is a monster facility going in the middle of what will be a ton of homes by Maracay and others. The school is going in at the southwest quarter. He asked how close were other services. He was concerned about all of this going to a fitness center while there is still a need for services in the area.

Ms. Temes provided an overview of the surrounding area. A mile to the north at Queen Creek and Val Vista there is a small shopping center with a Planet Fitness, Jack in the Box, BoSa Donuts, other restaurant services, hair salon, veterinary services and a bar/restaurant. A mile to the south at Chandler Heights and Val Vista is a vacant commercial piece which has never come in to be developed. Two to three miles to the west on Ocotillo there is a large shopping center in Chandler with a Fry's grocery, Sprouts, and other significant restaurant uses. Three miles to the southeast is another major Fry's center and services. There is a lot of large lot residential in the area and the newer subdivisions have filled in with smaller lots. There is Weinberg Elementary, a new elementary school that was discussed in the previous agenda item, and Perry High School about a mile or so to the northeast. There are a lot of residents in the area and a lot of traffic. There is an ongoing CIP project for improvements to Val Vista Drive in this corridor. A mile to the south, a project was approved at the former Hamstra Dairy with a large PAD and rezoning which is currently under construction. It is not known presently how the residential >2-3.5 DU/Acre surrounding this site will be developed as there has been no formal submittal, so staff cannot speak to how this would relate to the surrounding community.

Vice Chair Bloomfield wanted to make sure all of the available services were being taken into consideration. Overall, from a General Plan and zoning case, he was in favor of the project. It is a beautiful facility and they have been a great neighbor in Gilbert.

Commissioner September noted that the 54' proposed height deviation was only for 25% of the roofline for the entryway and second floor equipment. He asked where on the roof that equipment would be located.

Ms. Temes believed the equipment was centralized and aligned with the stairwell that had the modification request. The modification is slightly off center to the west toward the back of the building over the basketball court. She provided a rendering showing that location to the Commission for reference.

Chair Andersen asked if the purpose of the additional height was for articulation of the architecture.

Ms. Temes believed it also had to do with clearance for the court.

Commissioner September's concern was with any visual impact that the height deviation may have on the residential, although he understood it would be more towards the parking area.

Commissioner Cavenee liked that this development was coming and felt it will be a quality project based on their history. We do not often see a move from single-family to Commercial and he felt this was a great move for the area to create some additional services. He was also worried whether the vertical variance was for an architectural piece or actually had to do with capturing the enclosed space, which it does. It was a little concerning, although given that it is offset a little bit more and the point is visual impedance, then it is probably okay. It will be interesting to see how the stairwell step-back plays in. If it is done right, even though it does impede that step-back, it still is not visually problematic and he felt it would be fine. He encouraged the architect to pay close attention to how that is treated. There can be a more detailed look at that in the DR case.

Ms. Temes stated, as noted by Commissioner September, the change in elevation will add some additional interest and articulation to the building. With a very large building adjacent to potential future residential, there is often the concern with people looking out over the residential. On a basketball court, we do not anticipate windows overlooking the residential backyards. In this case, staff feels going a little taller over the court is fairly benign.

6. Z19-11 CULTIVATION OF INDUSTRIAL HEMP: Discussion of amendment to the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.9 Use Regulations; Division 4 General Regulations, Article 4.5 Supplemental Use Regulations; Division 6 Use Definitions, Article 6.1 Use Definitions; and the Glossary of General Terms, related to the cultivation of industrial hemp.

Catherine Lorbeer, Principal Planner, advised that last June, an amendment to the Land Development Code (LDC) was initiated concerning industrial hemp. This was in response to recent changes in federal law and at

the state level that allowed for the commercialization of hemp. With the new state law provisions, local government does still retain some authority to regulate the use and that is the reason for the proposed amendment. Hemp is a Cannabis product often used to make fiber, oil, rope, fabric, paper, and fiberboard. The key difference between hemp and marijuana is that hemp naturally has almost no THC, which is the component that gives marijuana its psychoactive effect. Hemp flowers basically contain 0.3% THC.

Staff has reviewed the model ordinance that Arizona Cities and Towns had put together and started drafting some possible requirements adapted to Gilbert's needs. So far, there has not been another jurisdiction in the Valley that has attempted to address this topic. Staff is proposing that industrial hemp would be a permitted use in Light Industrial (LI) and General Industrial (GI), with some similarities to our medical marijuana facilities. A separation requirement is being considered that would be similar to how we handle medical marijuana facilities in order to address odors as some of these facilities use hazardous or flammable chemicals. That factor was considered in proposing this in employment districts as opposed to other districts.

A use classification would be created for industrial hemp to match state law for the growing, harvesting, transporting, processing, or storage of industrial hemp or the use of eligible seed and propagative materials to produce industrial hemp, as authorized and licensed by the State of Arizona. There are additional state bills that have been introduced that may provide more guidance at the state level. Staff continues to research the topic and standards and is coordinating with internal departments such as Water, Wastewater, Police, Fire, and Code Compliance.

Staff is requesting feedback from the Commission regarding the draft LDC amendment regarding industrial hemp.

COMMISSION COMMENTS/QUESTIONS:

Commissioner Smith asked whether a farmer who has an interest in growing this crop would have to approach this body for a permit.

Ms. Lorbeer stated a license would be needed from the state to cultivate and grow industrial hemp. For the Town's purposes, it would need to be located in a land use category where cultivation of industrial hemp would be permitted and a business license may be needed or a building permit for any structures.

Commissioner September asked if hemp smelled like marijuana and whether it would be grown outside or indoors.

Ms. Lorbeer advised that hemp could be grown indoors or outdoors if allowed in the Light Industrial district. Some of the facilities she has heard of have been primarily indoors. It does have an odor similar to the growing of marijuana and there is some concern about how those odors might affect adjacent properties and why that use may be better suited for an employment or industrial area.

Commissioner Mundt noted Gilbert has historically been a farming community and still has a number of agricultural growers. He felt a farmer would likely utilize a zoning change for their land in order to switch to growing hemp. With the draft amendment, would a zoning change still be required for their land even with a state license?

Ms. Lorbeer stated the Town would establish what zoning districts the use would be permitted. If someone wanted to propose that use in an area that was not currently zoned for that use, they certainly have the right to ask the question. It would then go through an amendment process to determine whether that land use in general of a Light Industrial or General Industrial is appropriate.

Commissioner Mundt felt that made sense. He thought the draft was good and it is important from an agricultural vantage point to both the water intensity and utilizing hemp as a paper or rope product versus other items that have a lot less of a circular economy impact. He felt the amendment was a very forward-thinking movement. As an environmental engineer, he assured that no amount of hemp would get a person stoned.

Commissioner Cavenee noted in the proposed language distance restrictions to schools and other facilities. He understood that to be for the sale of hemp products. Would the cultivation and agricultural side fall under different language or does this apply to all aspects of hemp.

Ms. Lorbeer stated this would apply to the cultivation, growing, harvesting and processing of hemp, actually creating the products. The sale of those products would simply follow the same process for the sale of any other product.

Vice Chair Bloomfield felt staff did a great job on the proposed amendment. Since no one else in the Valley is working on this topic, he asked if Gilbert was just the last farming vestiges in the Valley or was there another interest that is pushing this along?

Ms. Lorbeer did not know why other jurisdictions may or may not be interested in provisions for industrial hemp. Staff has reached out to surrounding areas and they have no plans to proceed at this time. She has heard rumors that it may at the state level be allowed where we won't have a zoning say. Perhaps other cities are waiting to see what happens at the state level. We want to be ready in any event and we can always make changes in the future if needed. There was no particular business that has reached out to her with an interest in growing hemp.

Commissioner Mundt asked if a farmer gets a permit from the state, without this amendment, would that farmer currently be allowed to grow hemp and are we now putting restrictions on that?

Ms. Lorbeer stated through internal discussions it has been determined that the cultivation of hemp would be prohibited because we don't currently have anything in place for it. If the code does not speak to it, then it would be prohibited.

Commissioner Mundt asked if a current agricultural use would be specific as to crops or can it be any crop such as soybeans or cotton? If the state allows the growing of hemp, he was concerned about creating additional impediments to business for our community.

Ms. Lorbeer stated our existing definitions for crop raising, commercial and non-commercial, are more general in nature. Because industrial hemp is newly allowed to be pursued both at the federal and state level, and since we don't have provisions for it today, we wanted to be proactive and have something in place to determine if such a request is the right fit for Gilbert. Staff would propose language to make it even clearer in the code that those two categories do not include industrial hemp and that there is a separate use definition to match state law provisions.

Commissioner Mundt asked if that meant someone would or would not be able to grow hemp if the state allows it, without the proposed amendment.

Nancy Davidson, Assistant Town Attorney, advised that the state considers this a pilot program which does preserve local authority over zoning because it is new and because of the potential issue with storage and odors, and that the state encouraged cities and towns to adopt laws. Based on the outcome of the pilot program, the state would determine at the local level whether it resolved any potential issues. There were a lot of concerns, not just about odors, but cross-pollination, which was a concern in Santa Cruz County. The state is leaving the more local issues to the cities and town and will revisit the program. There is a bill being proposed in the legislature now that would prohibit the local authority over industrial hemp.

Commissioner Mundt noted if that bill passed, this would be a moot point.

Attorney Davidson stated there is another potential bill for the legalization of recreational marijuana and there is a citizen petition that is circulating in support of that. The state is also trying to give a heads up to local cities and towns that right now it is limited to industrial hemp that does not have THC. At some point, there might be agricultural sites for growing recreational marijuana. If it preserves local authority and since it is pretty new in Arizona, we are taking a pretty limited approach to keep it in a specific area where it might not have as much of an impact on residential neighborhoods. In other states, some cities are very restrictive as to how it is harvested and where it can be stored.

Commissioner Mundt appreciated that clarification.

Chair Andersen compared industrial hemp to a liquor license, which has several classifications based on sales. Would there be a minimum requirement of hemp that would need to be cultivated each year to maintain industrial hemp or is that term being used loosely?

Ms. Lorbeer was not aware of any particular quantities that are being specified through the state licensing and has not come across that in any of the materials that have been read up to this point.

Chair Andersen liked the idea because it revitalizes the agricultural industry in Arizona. Gilbert was such a strong farming community for so long, although much of it is developed now. We just don't have a lot of farming jobs in this town anymore. If Gilbert can be one of the first towns to get our foot through that door and bring that industry back to Gilbert, he thought it was a great idea.

7. Discussion of Regular Meeting Agenda:

There was discussion on moving items 17. Z19-16 Rivulon, 21. GP19-13 Victory Plaza, and 22. Z19-25 Victory Plaza to the Consent Agenda, if there are no requests to speak from the public. There were no objections.

There was a five-minute break before the Planning Commission Regular Meeting.

ADJOURN STUDY SESSION

With no further business before the Commission, Chair Andersen adjourned the Study Session at 6:08 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary

TOWN OF GILBERT
PLANNING COMMISSION - REGULAR MEETING
Council Chambers
50 E. Civic Center Drive, Gilbert, AZ
February 5, 2020

COMMISSION PRESENT:

Brian Andersen, Chair
Carl Bloomfield, Vice Chair
David Cavenee
Noah Mundt
Scott September
Jän Simon
Les Smith

COMMISSION ABSENT:

Philip Alibrandi, Alternate
Nathan Mackin, Alternate

COUNCIL LIAISON PRESENT:

Brigette Peterson

STAFF PRESENT:

Sydney Bethel, Planner II
Keith Newman, Planner II
Josh Rogers, Planner II
Amy Temes, Senior Planner
Nathan Williams, Senior Planner
Catherine Lorbeer, Principal Planner
Eva Cutro, Planning Division Manager
Nancy Davidson, Assistant Town Attorney

RECORDER:

Dana Desing

PLANNER	CASE	PAGE	VOTE
Stephanie Bubenheim	DR19-109	3	Continued
Stephanie Bubenheim	UP19-35	3	Continued
Sydney Bethel	UP19-40	3	Approved
Sydney Bethel	UP19-41	3	Approved
Sydney Bethel	DR19-119	4	Approved
Josh Rogers	DR19-99	4	Continued
Ashlee MacDonald	Z19-16	4	Approved
Josh Rogers	GP19-09	8	Approved
Josh Rogers	Z19-21	8	Approved
Nathan Williams	Z19-17	12	Approved
Keith Newman	GP19-13	6	Approved
Keith Newman	Z19-25	7	Approved

CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the February 5, 2020 Planning Commission Regular Meeting to order at 6:18 p.m.

PLEDGE OF ALLEGIANCE

Chair Andersen led the Pledge of Allegiance

ROLL CALL

Recording Secretary Dana Desing called roll and determined that a quorum was present.

8. APPROVAL OF AGENDA:

Chair Andersen stated that staff has requested that Items 17. Z19-16 Rivulon, 21. GP19-13 Victory Plaza, and 22. Z19-25 Victory Plaza be moved to the Public Hearing (Consent) Calendar. He asked if there were any requests to speak from members of the public on those items. There were none.

Chair Andersen called for a motion to approve the agenda with the changes as requested.

MOTION: Vice Chair Bloomfield moved to approve the Agenda, moving Items 17. Z19-16 Rivulon, 21. GP19-13 Victory Plaza, and 22. Z19-25 Victory Plaza to the Public Hearing (Consent) Agenda; seconded by Commissioner September.

Motion passed 7-0.

COMMUNICATIONS

9. COMMUNICATION FROM CITIZENS:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

There were no requests to speak.

10. REPORT FROM COUNCIL LIAISON ON CURRENT EVENTS:

Councilmember Brigitte Peterson reported that last evening, February 4, 2020, Mayor and Town Council voted unanimously to adopt a resolution approving the Town of Gilbert's 2020 General Plan and directing that it be submitted to the voters for ratification at the primary town election to be held on August 4, 2020. She thanked the Commission, staff and the consultant for their work on the General Plan. This is the third General Plan since she has been with the Town of Gilbert and she was pleased with the outcome. She urged everyone to vote for the General Plan on August 4, 2020.

Town Council recognized Cactus Yards for receiving the Outstanding Park of the Year Award for 2019 presented by the United States Specialty Sports Association. Cactus Yards opened just a year ago this month and the award was a great acknowledgement for the work the Town has put into that park.

The Digital State of the Town was held on January 23, 2020 in which Mayor Daniels stated that Gilbert is a connected community of innovators and technologists who are focused on making sure our community continues to thrive now and for our future. The State of the Town address is available online at www.gilbertaz.gov/stateofthetown.

The Planning Commission was presented with Water Tower pins commemorating Gilbert's Centennial.

PUBLIC HEARING (CONSENT)

All items listed below are considered the public hearing consent calendar. The Commission/Board may, by a single motion, approve any number of items where, after opening the public hearing, no person requests the item be removed from the consent calendar. If such a request is made, the Commission/Board shall then withdraw the item from the public hearing consent calendar for the purpose of public discussion and separate action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

Chair Andersen read the Public Hearing (Consent) items and noted that Items 17. Z19-16 Rivulon, 21. GP19-13 Victory Plaza, and 22. Z19-25 Victory Plaza were added to the Consent Agenda and Items 11. DR19-109 Quintana at Verde, 12. UP19-35 Quintana at Verde, and 16. DR19-99 Milling Machinery were to be continued to the March 4, 2020 Planning Commission hearing.

Chair Andersen asked if any members of the public wished to speak on any Public Hearing (Consent) item. There were no requests to speak. He asked the Commission if there were any conflicts with the Consent Calendar. There were none.

Chair Andersen opened the public hearing and with no requests to speak, closed the public hearing. The Motion on the Consent Agenda items will appear in the minutes following the items and staff's recommended motions.

- 11. ITEM DR19-109 QUINTANA AT VERDE: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 4.44 acres, generally located south of the southeast corner of Verde Drive and Williams Field Road, and zoned Gateway Village Center (GVC) with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION: Move to continue DR19-109, Quintana at Verde to March 4, 2020.

- 12. UP19-35 QUINTANA AT VERDE: Request to approve a Conditional Use Permit for approx. 4.4 acres located south of the southeast corner of Verde Drive and Williams Field Road to allow residential units on the ground floor in the Gateway Village Center (GVC) zoning district.**

STAFF RECOMMENDATION: Move to continue UP19-35, Quintana at Verde to March 4, 2020.

- 13. UP19-40 POWER & RAY STORAGE-OUTDOOR: Request to approve a Conditional Use Permit for approximately 9.81 acres generally located at the northeast corner of Bluejay Drive and Orchid Lane to allow Storage, Personal Property (Outdoor) in the Light Industrial (LI) zoning district.**

STAFF RECOMMENDATION:

Make the Findings of Fact and approve UP19-40, Power and Ray (Outdoor): a Conditional Use Permit for approx. 9.81 acres generally located at the corner of northeast corner of Bluejay Drive and Orchid Lane, to allow Storage, Personal Property (Outdoor) in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan shown on the Exhibits provided under Attachment No. 5, as approved by the Planning Commission at the February 5, 2020 public hearing. The approval of UP19-40 is contingent upon the approval of UP19-41 and DR19-119.

- 14. UP19-41 POWER & RAY STORAGE-INDOOR: Request to approve a Conditional Use Permit for approximately 9.81 acres generally located at the northeast corner of Bluejay Drive and Orchid Lane to allow Storage, Personal Property (Indoor) in the Light Industrial (LI) zoning district.**

STAFF RECOMMENDATION:

Make the Findings of Fact and approve UP19-41, Power and Ray Storage (Indoor) : a Conditional Use Permit for approx. 9.81 acres generally located at the corner of northeast corner of Bluejay Drive and Orchid Lane, to allow Storage, Personal Property (Indoor) in the Light Industrial (LI) zoning district with a Planned Area Development (PAD) overlay, subject to conditions:

1. The Project shall be in substantial conformance with the site plan shown on the Exhibit provided under Attachment No. 5, as approved by the Planning Commission at the February 5, 2020 public hearing. The approval of UP19-41 is contingent upon the approval of UP19-40 and DR19-119.

15. DR19-119, POWER & RAY STORAGE: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 9.81 acres, generally located at the northeast corner of Bluejay Drive and Orchid Lane, and zoned Light Industrial with a Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION:

Approve the Findings of Fact and approve DR19-119, Power and Ray Storage: site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials for approximately 9.81 acres, generally located at the northeast corner of Bluejay Drive and Orchid Lane, and zoned Light Industrial with a Planned Area Development (PAD) overlay, subject to conditions:

1. Construction of the project shall conform to the exhibits approved by the Planning Commission at the February 5, 2020 public hearing. The approval of DR19-119 is contingent upon the approval of UP19-40 and UP19-41 to allow the proposed uses on the site
2. The construction site plan documents shall incorporate the Standard Commercial and Industrial Site Plan Notes adopted by the Design Review Board on March 11, 2004.
3. Signage is not included in this approval. Administrative Design Review approval is required for prior to submitting for sign permits.
4. Wall-mounted lighting fixtures shall be a maximum height of 14 feet above grade, measured to the bottom of the light source. Wall-mounted fixtures shall be full cutoff type.
5. Any items displayed in the internal boat display area located at the northwest corner of the site must be located a minimum of 6' back from the window.
6. The emergency access path shall contain flush ribbon curb or mountable curb at the exit into Gilbert Gateway Towne Center and the access gates shall comply with Fire Regulation 12-503.6.
7. All markups complete in the third review by Development Engineering on the grading and drainage plan must be addressed and incorporated into the Construction Document submittal.
8. AN EMERGENCY ACCESS EASEMENT, AS SHOWN ON THE APPROVED SITE PLAN, SHALL BE RECORDED PRIOR TO ISSUANCE OF A CONSTRUCTION PERMIT.

16. DR19-99 MILLING MACHINERY: Site plan, landscape, grading and drainage, elevations, floor plans, lighting, colors and materials, for approximately 2.17 acres, generally located south of the southeast corner of McQueen and Baseline Roads, and zoned General Industrial.

STAFF RECOMMENDATION: Move to continue DR19-99 Milling Machinery to March 4, 2020.

17. Z19-16 RIVULON: Request to rezone approximately 3.8 acres of real property generally located at the southwest corner of Lindsay Road and Lexington Street from Maricopa County Rural - 43 (RU-43) zoning district to Town of Gilbert Business Park (BP) zoning district and to include the subject property into the existing Rivulon Planned Area Development (PAD) overlay.

STAFF RECOMMENDATION:

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-16 rezoning approximately 3.8 acres of real property generally located at the southwest corner of Lindsay Road and Lexington Street from Maricopa County Rural – 43 (RU-43) zoning district to Town of Gilbert Business Park (BP) zoning district and to include the subject property into the existing Rivulon Planned Area Development (PAD) overlay, subject to conditions.

Ordinance No. 2669 relating to the Rivulon PAD shall be amended to incorporate the subject site into the overall Rivulon Planned Area Development. Existing conditions in Ordinance No. 2669 are provided below for reference; no modifications are proposed.

- a. Dedication to Gilbert for Pecos Road east of Allen Street and Lindsay Road rights-of-way that are adjacent to the property and are owned by Nationwide Realty Investors, Ltd. or NRI-Rivulon, LLC (collectively "NRI") shall be provided with each subsequent phase of development or as required by the town engineer and in compliance with the Rivulon development agreement, as amended. Failure to complete dedication of lands owned by NRI prior to issuance of a building permit for any phase of the project adjacent to right-of-way may result in reversion of the zoning to the prior zoning classification. Dedication of all other portions of Pecos Road and Lindsay Road rights-of-way shall be made in accordance with paragraph 4.3 of the Rivulon development agreement, as amended.
- b. Dedication of Pecos Road half street right-of-way shall extend 65 feet from the centerline from Allen Street to Lindsay and dedication of Lindsay Road half street right-of-way shall extend 65 feet from the centerline along the northern boundary of the site. Additional roadway dedication may be required at intersections.
- c. Dedication of the remaining portion of Rivulon Blvd. Located from immediately east of the traffic circle and extending to Lindsay Road shall be provided with each subsequent phase of development or as required by the Town Engineer and in compliance with the Rivulon Development Agreement, as amended.
- d.
 - i. (DELETED.)
 - ii. Construction of off-site improvements to Pecos Road adjacent to Blocks B, C or D of the Property as depicted on Exhibit A to the Rivulon Development Agreement shall be completed prior to issuance of a certificate of occupancy or final approval for any building constructed on the respective adjacent Block, subject to the ownership provisions set forth in Section 4.3 of the Rivulon Development Agreement. If development of Block C or D occurs prior to development of Block B, construction of off-site improvements to Pecos Road shall include improvements adjacent to Block B.
 - iii. Construction of off-site improvements to Lindsay Road adjacent to Blocks D, H or M of the Property as depicted on Exhibit A to the Rivulon Development Agreement shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the respective adjacent Block, subject to the ownership provisions set forth in Section 4.3 of the Rivulon Development Agreement. If development of Block H or M occurs prior to development of Block D, construction of off-site improvements to Lindsay Road shall include improvements on Lindsay Road adjacent to Block D.
- e. (DELETED)
- f. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement may result in reversion of the zoning to the prior zoning classification, except any parcel or portion of the property on which construction of improvements has commenced pursuant to duly issued building permits. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- g. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements when and as specified in the Rivulon Development Agreement and in compliance with Town of Gilbert construction standards.

- h. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way, with the inclusion of additional parcels within 30 days of submittal for construction documents for those properties.
- i. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Development Standard	Rivulon PAD
<i>Minimum Dimension for Parking Lot Spaces and Drive Aisles:</i> Office Uses	18 ft. Deep, 9 ft. Wide and 25 ft. Drive aisle width
<i>Parking Lot Landscaping:</i> Parking Lot Landscape Islands Landscape Diamond Planters	One (1) parking lot landscape island shall be placed a maximum for each 12 consecutive parking spaces; One (1) 6 x 6 ft. Landscape diamond planter shall be placed a maximum of 1 for each 6 parking spaces, situated between parking lot landscape islands, except where situated beneath proposed parking canopy locations.
<i>Landscaping and Berming for Parking lot Screening:</i> Parking Lot Screen walls	50% of the length of parking lot CMU screen walls may be substituted by landscaping and/ or berming.
<i>Bicycle Parking:</i> Bicycle Parking Standard	1 bicycle space per 100 vehicle parking stalls; to a maximum of 50 bicycle spaces

- 21. GP19-13 VICTORY PLAZA: Request for Minor General Plan Amendment to change the land use classification of approx. 7.07 acres generally located at the southwest corner of Greenfield Rd. and Queen Creek Rd. from Residential >0-1 DU/Acre to Community Commercial (CC) land use classification.**

STAFF RECOMMENDATION:

Recommend to the Town Council approval of GP19-13, to change the land use classification of approx. 7.07 acres, generally located at the southwest corner of Queen Creek Rd. and Greenfield Rd. from Residential > 0-1 DU/Acre to Community Commercial (CC) land use classification.

- 22. Z19-25 VICTORY PLAZA: Request to rezone approx. 7.07 acres generally located at the southwest corner of Greenfield Rd. and Queen Creek Rd. From Single Family-35 (SF-35) and Single Family-43 (SF-43) to Community Commercial (CC) zoning district with a Planned Area Development (PAD) overlay.**

Town of Gilbert Planning Commission
Regular Meeting – February 5, 2020

STAFF RECOMMENDATION:

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-25 rezoning approx. 7.07 acres, generally located at the southwest corner of Queen Creek Rd. and Greenfield Rd. from Single Family-35 (SF-35) and Single Family-43 (SF-43) to Community Commercial (CC) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions.

- a. Construction of off-site improvements to Greenfield Road and Queen Creek Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
- b. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- c. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way.
- d. Developer shall record easements to be owned by the POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- e. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations	CC PAD
Minimum Building Setbacks (ft.)	
Side (Residential)	15'
Rear (Residential)	30'
Minimum Perimeter Landscape Area (ft.)	
Side (Residential)	15'

- f. The location of trash enclosures at the end of the drive aisles north of PAD D shall be re-located during the Design Review Application process.

MOTION: Vice Chair Bloomfield moved to Approve Public Hearing (Consent) Items 11. DR19-109 Quintana at Verde; 12. UP19-35 Quintana at Verde; 13. UP19-40 Power & Ray Storage-Outdoor; 14. UP19-41 Power & Ray Storage-Indoor; 15. DR19-119 Power & Ray Storage; 16. DR19-99 Milling Machinery; 17. Z19-16 Rivulon; 21. GP19-13 Victory Plaza; and 22. Z19-25 Victory Plaza; seconded by Commissioner Simon.

Motion passed 7-0.

PUBLIC HEARING (NON-CONSENT)

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in

opposition to a Public Hearing item may do so. Anyone wishing to comment on a Public Hearing Item must fill out a public comment form indicating the Item Number on which to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

18. GP19-09 THE BUNGALOWS ON ASH: Request for Minor General Plan Amendment to change the land use classification of approx. 15.91 acres generally located at generally located north of the northeast corner of Gilbert Rd. and Houston Ave., from General Commercial to Residential >8-14 DU/Acre.

19. Z19-21 THE BUNGALOWS ON ASH: Request to rezone approx. 15.91 acres of real property generally located at north of the northeast corner of Gilbert Rd. and Houston Ave., from General Commercial (GC) zoning district to Multi-Family-Low (MF-L) zoning district with a Planned Area Development overlay zoning district (PAD).

STAFF RECOMMENDATION:

- A. Recommend to the Town Council approval of GP19-09, to change the land use classification of approx. 15.9 acres, generally located at the generally located north of the northeast corner of Gilbert Rd. and Houston Ave from General Commercial (GC) to Residential > 8-14 DU/Acre (R>8-14) land use classification; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-21 rezoning approx. 15.9 acres generally located north of the northeast corner of Gilbert Rd. and Houston Ave., from General Commercial (GC) zoning district to Multi Family-Low (MF-L) zoning district with a Planned Area Development overlay zoning district (PAD), subject to the following conditions.
 - a. Dedication to Gilbert for Gilbert Road rights-of-way that are adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
 - b. Dedication of Gilbert Road shall extend 70 feet from the center line. The western 65 feet of the 70-foot dedication shall be right-of-way, and the eastern 5 feet of the 70-foot dedication shall be a roadway easement granted to the Town.
 - c. Construction of off-site improvements to Gilbert Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier.
 - d. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
 - e. Developer shall create a Homeowner's Association (HOA) or Property Owners' Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan.
 - f. Developer shall record easements to be owned by the HOA or POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
 - g. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development Regulations	Required per LDC	Proposed
Separation between Buildings (ft.) <i>Single or two story</i>	20'	10' *
Maximum Height (ft.)/Stories	36'	26'/One-story
Common Open Space (Minimum)	45%	43%
Private Open Space (sq.ft.)	60 sq.ft./unit	196.ft./unit

* The development standards above shall govern, except that the building separation standard can be reduced by the building or fire code officials. Minor modifications to the configurations on the site plan shall be approved by the Planning Manager. All buildings shall comply with building codes and fire codes, which may result in a loss of units.

Planner Josh Rogers presented GP18-09 and Z19-21, The Bungalows on Ash, request for approximately 16 acres located along Gilbert Road and Houston Avenue, directly north of the existing Sam's Club and south of the Dignity Health Urgent Care. The applicant is requesting a Minor General Plan change from General Commercial (GC) to Residential >8-14 DU/Acre. The corresponding rezone request is to change from General Commercial (GC) to Multi-Family-Low (MF-L) with a Planned Area Development (PAD) overlay. This item was brought to the Commission in December for a Study Session with the corresponding Design Review. Staff had brought up concerns with a few of the requested deviations regarding encroachment into the perimeter landscape setbacks, which have been resolved. There was lengthy discussion in the Study Session regarding losing the commercial. Staff brought forward concerns regarding the increased setbacks and impact on the existing commercial properties to the north and south that would limit the future improvement or redevelopment of those sites with the zoning change. There have been multiple attempts to develop this site in the late 80s and a plan was approved for medical office and retail that never panned out. In 1999, Price Club was approved, which is now the current Sam's Club site. There was originally a plan for the northern half of the subject site to mirror the Sam's Club which was approved in 1998 by Town Council. Despite that approval for the master site plan, there were also six or seven other approvals including IHOP, a bank, oil and lube center, and gas station, although nothing has ever been built on the site.

The applicant is proposing 165 for-rent single-story attached and detached bungalow housing units with an average density of approximately 9 gross DU/Acre. The site includes a centralized amenity open space area and will directly connect to the public park to the east. The facility will be gated with full ingress/egress off the existing drive to the south with exit only access directly to the north.

The applicant is requesting deviations to reduce the interior building separation distance from 20' to 10', to restrict the height to 26' and only one story, and to reduce the minimum common open space from 45% to 43%. In exchange, the applicant is offering to increase the private minimum open space from 60 SF to 196 SF to create enclosed private back yards for each unit. With that exchange, staff feels the requested deviations are reasonable.

Staff recommends approval of GP19-09 and Z19-21. The applicant is prepared to make a presentation.

Chair Andersen invited the applicant invited to make a presentation.

APPLICANT PRESENTATION:

Sean Lake, Pew & Lake, representing the applicant, stated they have listened closely to the Study Session comments and have worked with staff to resolve any issues. He understood that the Town generally does not want to remove commercial inventory and change it to residential. There are some locations in isolated areas

where it might be time to do that. Since the property was originally zoned, everything in the area has built out. An analysis was done of the area and of the constraints of this site. The site is located between Sam's Club and Dignity Health and there is substantial commercial and retail activity along Baseline and Gilbert Roads as well as multi-family and single-family detached. This site is not on an arterial intersection, so it is not a high draw. It is also located on a curve which limits the access along Gilbert Road, so the accessibility of the site was a challenge. It is located mid-block between Baseline and Houston and such a location would have normally seen this planned for residential years ago. It was planned for commercial and there have been many attempts to do commercial for many years with no success. Mr. Lake felt it was not advisable to remove commercial inventory if the services are not currently being provided. An analysis of current services along Gilbert Road showed a total of 42 retail/restaurant locations and 85 retail and service locations in this area. Not only are there existing services being provided with restaurants, retail and services, but there is also vacancy in these areas. There are opportunities for people to locate their goods, but those services are already being provided in this area. The applicant felt it would be best to change this site to residential to get more customer base, to promote and protect the existing retail, and encourage continued operations as well as redevelopment of those areas in better locations such as along the arterial of Baseline and Gilbert Road or Guadalupe Road. This analysis was presented to staff and they have taken that into consideration in their recommendation for approval.

A development plan was presented for a hybrid situation that is neither a true single-family detached product nor a traditional three-story multi-family apartment complex, so it needs to fit between two codes. The proposal is for a single-family detached unit, single-story, but it is built, operates, and functions like a multi-family project. Each of the units is rented, but each unit would also have a private yard. This would be ideal for young professionals, young couples, or retirees that don't want to own a home but want the benefit of a private yard and amenities. That is a big deal for those with dogs. There is also the benefit of not having a unit attached on either side. The applicant has worked extensively with staff over the last four months to make sure this project had sufficient amenities. The surrounding uses are a Sam's club, medical offices, a town park, single-family detached homes, and multi-family condos. The proposed plan includes a grand entrance with a clubhouse, pool, turf areas, central open space with gated connection to the public park. The community is tied together through a lineal open space through the center of the project with pathways leading to the central amenity and the park with trails along the perimeter of the site. Renderings of units built in other communities were provided showing nice open units with large windows for natural light.

Some of the issues brought up at the Study Session had to do with changing commercial to residential. Mr. Lake felt they have done their homework and the property owner has tried for years to do a commercial project with many different plans without success. The applicant worked with staff to ensure the uses envisioned on this site are currently being offered for the demographics of the people who live in this area. There are challenges and constraints for the site in terms of accessibility. The applicant supports staff's position on the language change. The project provides a substantial amount of common open space in, around and through the site as well as private open space. This project more than triples the amount of private open space required by code for each unit with a minimum of 196 SF.

Another issue brought up during the Study Session was how this change would impact adjacent properties. Working with the Town Attorney, notice was sent out to the north and south property owners regarding this project. The areas within the setback areas are drive aisles and parking areas that will not be affected, although the applicant wanted to make sure the neighbors were notified. The applicant has not received any feedback from those property owners. Phase 2 of the north medical office building would be allowed and it would be outside the 75 feet. On the south side, the drive aisle and parking areas for the Sam's Club would be affected.

The architecture and the DR were brought up in the Study Session. That will come forth with the site plan and elevations in the coming months before this Commission. Mr. Lake and the applicant felt they have addressed all of the questions, comments and concerns of staff and the Planning Commission. This is a great project that fits a need for multi-family without having that traditional multi-family look. It will fit into the area both with medical office, Sam's Club, single-family and condos in the area on all sides and will be a good asset for the community. Mr. Lake offered to answer any questions from the Commission.

COMMISSION QUESTIONS/COMMENTS:

Commissioner Cavenee understood the project would be gated and asked how the access to the adjacent park would be facilitated. Is there access to the cul-de-sac on the east side?

Mr. Lake reviewed the pedestrian walkways and connections throughout the site as well as open space and gathering areas for the residents of the gated community. There would be a pedestrian connection to the public park with gated access. On the east side, there would be a wall with no vehicular access to the cul-de-sac.

Commissioner Cavenee asked if there was access to Sodalicious and the Sam's Club parking lot?

Mr. Lake advised that there is an existing driveway that will be finished off with this project to make it more decorative. From that driveway, you can go right to go into the Sam's Club or left to the gated entrance for this project. The gated access points were shown on the site plan. Parking will be available for the leasing office, clubhouse and amenities.

Commissioner Cavenee understood that the retail users to the south would be able to use that area as an exit or entrance, which will create additional flow through the area.

Mr. Lake stated that is a shared access that was recorded years ago.

Commissioner Simon asked if run off would go into the basin of the public park.

Mr. Lake stated all of the retention will be contained on the site.

Chair Andersen opened the public hearing and invited anyone who wished to speak to come forward. There were no requests to speak.

Chair Andersen closed the public hearing and brought the discussion back to the dais.

COMMISSION DISCUSSION:

Commissioner Cavenee was grateful to see that the site has come forward with a development that staff is happy with. It looks like a really good use and a nice product transition between the single-family and multi-family to the west. He did appreciate the struggle to get viable commercial on this tucked-in piece on a curve on Gilbert Road. From a General Plan and zoning perspective, he thought it was a really good application and a good effort was made by the applicant to meet staff's needs to make it work. He felt it would be a great infill piece that is needed.

Vice Chair Bloomfield noted other developments like this in the town and remembered lessons learned on those projects. He liked how this project is coming forward and there will be an opportunity to look at the DRB and the product again regarding the elevations. As far as the General Plan and zoning in this case, he thought it was great and liked the utilization of the public park. It is a good project and he looked forward to having it in this location which has been vacant for as long as he can remember.

Commissioner Simon agreed with the other comments. He was not necessarily one for downzoning from commercial and losing that space in the town, however he felt this was a good use. He liked this iteration of the plan versus what we saw the first time. There is now more open space, more community space and he appreciated the efforts to work with the town.

MOTION: Vice Chair Bloomfield moved to recommend approval to Town Council of GP19-09 Bungalows on Ash, a minor General Plan amendment; seconded by Commissioner Smith.

Motion passed 7-0.

MOTION: Vice Chair Bloomfield, for the reasons set forth in the staff report, moved to recommend approval to the Town Council for Z19-21, Bungalows on Ash as requested, subject to the conditions listed in the staff report; seconded by Commissioner Mundt.

Motion passed 7-0.

- 20. Z19-17 BERGE VAL VISTA NORTH: Request to rezone approximately 162.08 acres generally located at the northwest corner of Val Vista Dr. and Ocotillo Rd. from Town of Gilbert Single Family -35 (SF-35) zoning district to 38.60 acres of Single Family-8 (SF-8), 54.29 acres of Single Family -7 (SF-7), 43.43 acres of Single Family-6 (SF-6), and 25.76 acres of Single Family-Detached (SF-D), all with a Planned Area Development (PAD) overlay.**

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-17 rezoning approx. 162.08 acres generally located at the northwest corner of Val Vista Dr. and Ocotillo Rd. from Single Family -35 (SF-35) zoning district to 38.60 acres of Single Family-8 (SF-8), 54.29 acres of Single Family-7 (SF-7), 43.43 acres of Single Family-6 (SF-6), and 25.76 acres of Single Family-Detached (SF-D) zoning districts, all with a Planned Area Development (PAD) overlay, subject to the following conditions.

- a. Val Visa Drive is required to extend 70 feet from the monument line. To the extent that necessary rights of way have not been conveyed or dedicated to Gilbert to meet this requirement, Developer shall dedicate to Gilbert the rights-of-way necessary for Val Vista Drive to extend 70 feet from the monument line Gilbert. Said dedication shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer.
- b. Dedication to Gilbert for Ocotillo Road rights-of-way adjacent to the Property shall extend 65 feet from the monument line. The dedication shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication to Gilbert for Val Vista Drive and Ocotillo Road rights-of-way that are adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- c. Dedication to Gilbert for Appleby Road and 148th Street right-of-way that is adjacent to the Property shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Appleby Road and 148th Street shall extend a minimum of 40 feet from the monument line of each road, or as otherwise approved by the Town Engineer prior to approval of the construction plans. Failure to complete dedication prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification.
- d. Construction of ½ street off-site improvements to Val Vista Road and Ocotillo Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for Gilbert's reasonable costs of construction (to exclude any costs paid by the Developer for any ST1120 improvement pursuant to A.R.S. § 9-243) prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property.
- e. Construction of ½ street off-site improvements to Appleby Road and 148th Street adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or in accordance with an approved Phasing Plan.
- f. Prior to recordation of the final plat, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program, deducting costs paid by the Developer for any ST1120 improvement pursuant to A.R.S. § 9-243.

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- g. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- h. Developer shall create a Homeowner's Association (HOA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way.
- i. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- j. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.
- k. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

SF-8 (Parcel 1) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	9,000
Minimum Lot Dimensions	
Width	70'
Depth	130'
Minimum Side Yard Setbacks	5' / 10'

SF-7 (Parcel 2) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	7,500
Minimum Lot Dimensions	
Width	60'
Depth	125'
Minimum Side Yard Setbacks	5' / 10'

SF-7 (Parcel 3) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Dimensions	
Width	55'
Depth	128'

SF-6 (Parcel 4) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	5,900
Minimum Lot Dimensions Depth	108'
Minimum Front Yard Setback	15'

SF-6 (Parcel 5) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	6,150
Minimum Lot Dimensions Width Depth	50' 123'
Minimum Front Yard Setback	15'

SF-D (Parcel 6) Zoning District Standards	Berge Val Vista North PAD (Z19-17)
Minimum Lot Area (sq. ft.)	4,000
Minimum Lot Dimensions Width Depth	40' 105'
Maximum Height (ft./ stories)	30'/ 2-stories

1. All pedestrian gates within the Berge Val Vista North PAD will remain unlocked from dawn to dusk for the life of the community. This requirement shall be codified in the HOA documents and prohibit the removal or modification of this provision by declarant or HOA board.

Senior Planner Nathan Williams presented Z19-17, Berge Val Vista North, request to rezone approximately 162 acres located at the northwest corner of Ocotillo Road and Val Vista Drive within the Santan Character Area. The Hamstra Dairy a half mile to the south came in a year or so ago with Maracay Homes. The north half of Appleby Road has already been constructed and the south half will be constructed in a future phase.

This item came before the Commission in October, 2019 in Study Session with a combination of SF-6, SF-7, SF-8 and SF-D lots. The Study Session comments concerned the overall density and the amount of SF-D and smaller lots proposed. There were also concerns with gating, some of the modifications and how this fit in with other master plans in Santan Character Area. Since then, staff has worked with the applicant extensively on a number of changes. The original 509 units has been changed to 485 units, with far less SF-D and an increase in the SF-6 and SF-7 lots. The SF-D now makes up 16% or 107 lots compared to the original 294. The applicant is proposing gated access on all four sides, curvilinear streets and central open space. Chandler Unified School District has purchased an adjacent parcel and is in the process of constructing a K-8 school.

One of the concerns was with the diversity of lots and the lot sizes and types, and quite a bit has changed since the Study Session. 148th Street is currently partially constructed and would be finished with Phase 1. The phasing plan would be approved through zoning. Full connections via arterials and collectors would be provided around the entire 162 acres.

The applicant is requesting LDC modifications per the table in the staff report. The modifications noted in bold are above the development standards. Parcel 1 will consist of SF-8 with 75 total lots on 38 acres (24%). A modification is requested for the minimum lot area from 8,000 SF to 9,000 SF. Parcels 2 and 3 are SF-7 with 138 total lots on 54 acres (33%). Parcels 4 and 5 will be SF-6 with 165 lots on 43 acres (27%), and Parcel 6 will be SF-D with 107 lots on 25 acres (16%).

The gates were a topic of discussion in the Study Session as well as through emails and phone calls. Staff worked with the applicant to make sure the gates are open to pedestrians and bikes as stipulated in Condition L. in the ordinance, which would be approved through zoning.

The General Plan contains goals and policies that support maintaining the natural flow of traffic from arterial and collector roads in a gated community as well as accessibility to pedestrian traffic. Staff feels that this subdivision meets the goals and policies of the General Plan.

Staff is recommending approval to Town Council.

Chair Andersen invited the applicant to make a presentation.

APPLICANT PRESENTATION:

Brennan Ray of Burch & Cracchiolo, PA, representing applicant Maracay Homes, reviewed the proposal for the development known as Waterston North. Maracay is developing a lot of land in Gilbert, including the old Hamstra Dairy at the northwest corner of Val Vista and Chandler Heights, which is currently under development on 160 acres to the south of the subject site. The entire roughly 480 acres will be known as Waterston and is master planned as an HOA controlling all three parcels. The applicant has worked closely with Planning, Engineering, Traffic and others since 2018 to ensure that this will be a high-quality development that is appropriate and compatible with the Santan Character Area and adjacent developments. The applicant has listened to the neighbors throughout the process and has tried to address some of those concerns as well as issues raised in the Study Session. Mr. Ray appreciated staff's recommendation. The applicant is agreeable with the conditions listed in the staff report and requests this body's recommendation for approval. This proposal is consistent with the General Plan and the >2-3.5 DU/Acre density range. The site plan is consistent with other master planned developments that Maracay has worked on in the southeast Valley. The plans to be presented in connection with the pre-plat show a considerable amount of work that has gone into the landscape design, the park and amenity areas, with a focus on the pedestrian experience. Mr. Ray was proud that 25% of the site is open space. The central amenity area is a key feature of this development and represents an approximately \$3 million investment by Maracay.

The previous site plan was presented in October of 2018 at the first neighborhood meeting with about 20 neighbors. There were concerns with the traffic and density of that plan as well as access with Chandler Unified School District's plans to locate an elementary school on the site. That plan was drastically different from the plan presented tonight. The applicant listened to those concerns and reduced the 672 lots with a density of 4.15 to the 509 lots with a density of 3.14 DU/Acre. Since then, Chandler Unified School District (CUSD) has acquired a parcel and an elementary school is under construction.

The plan proposed today includes a reduction in lots from 509 to 486 lots, the amount of SF-D has significantly decreased, the depth of the lots has been increased, and adjustments were made to the layout to maintain a strong pedestrian circulation. Mr. Ray believed this plan demonstrates their ability to listen to concerns and make changes accordingly. A map was provided showing the proposed zoning designations on the site to match the existing zoning to the north and west.

The General Plan talks about gated communities not disrupting the flows on arterial and collector streets. Appleby Road will be completed and 148 Street will be constructed in Phase 1. Pedestrian connectivity is provided through 8' wide sidewalks throughout the development, doubling the town standard of 4-5 feet. The General Plan also speaks to maintaining pedestrian access. The applicant worked with staff and Legal on the condition to keep the pedestrian gates open from dawn to dusk. A provision in the CC&Rs will ensure that access remains open and prohibits that provision being amended out. That will make sure the pedestrian access stays open not only for this community, but for people that want to walk through this community.

The requested modifications to the standards are relatively minor and will allow Maracay to provide a better platform to build houses that meet the home buyers needs as they continue to market to a wide variety of people. The applicant believes these deviations allow Maracay to create a development that will appeal to a variety of different home buyers which will allow Gilbert to maintain a diverse community.

Mr. Ray felt the applicant worked well with the town to ensure a high-quality development. He requested the Commission's recommendation for approval. He offered to answer any questions.

PUBLIC COMMENT:

Jenna Bishop felt there have been a lot of positive changes since the beginning and she loved the current design. Her biggest issue with the Maracay development was with the gates on the north, south, and east sides, although she felt her concerns would not apply to the larger homes that were set back from the school. The inclusion of the school in the site lends itself to an environment that needs to be creative with more of a school community focus. All of the schools that have gone in recently in Chandler, Haley, Carlson, Navarrete, Patterson and Ryan, have all worked with the neighborhoods they were built in to provide green spaces and community parks nearby. In this proposal, the school is separated from its community behind gates and block walls. The school zone has shifted to the north and east of where the school will be located as opposed to the prior zone for Weinberg Elementary. The pedestrian access has been addressed a little bit, although she still felt there would be some conflict with pedestrians walking north and east from the neighborhood being able to access the school. Vehicular traffic access would create a safer environment for picking up kids. There will be over 400 acres with this master planned community that will all be blocked off from the rest of Gilbert. She felt that created a division between the members of this gated community and the Gilbert community as a whole. It also blocks off the rest of Gilbert from being a part of that community. With the wide range of home sizes, prices, and options, there seems to be no real reason to have gates in this community. It adds an air of exclusivity, but to what? Gilbert's growth area policy 1.2 was to connect to the broader community and she did not feel this development does that at all, but closes off the opportunity to develop community with these new residents, especially being associated with a school in the area. Ideally, she would like to see no gates on the north, south and east sides, or have the gates open for vehicular traffic during the day the same as the pedestrian gates. That would ease the flow with the school, parks and open spaces. Another suggestion would be to only gate the enclaves of the neighborhood to allow movement through the middle of the neighborhood.

Jennifer Connors lives north of this new development. Her biggest concern is with the pedestrian gates not allowing the free flow of bicycle riders. Her family likes to ride bikes. Although the gates will be unlocked dawn to dusk, a bike rider would have to stop and open the gate. The times of dawn and dusk change throughout the year and she was concerned with access for trick-or-treating in this neighborhood on Halloween night as well as during other special events. Many in the area have kids and she was concerned about having free access not just for the school but for visiting friends. She felt it did not make sense to have a gate for the pedestrian entry. She asked whether the gate would be physically open during certain hours or just unlocked. The community near Haley Elementary has gates for cars but not for pedestrians.

Greg Brown lives just to the south and east of this development. He heard in the presentation that Maracay was looking to develop the entire section from Appleby to Chandler Heights. He asked if that entire Maracay community would be gated so that nobody has access through their developments other than through those gates. There is a lot of horse activity on the east side of the road. He asked what provisions were being planned for people that live on the east side of the road and the types of activities that are already occurring in the area.

Chair Andersen invited Mr. Ray to address the comments from the public.

APPLICANT RESPONSE TO PUBLIC COMMENT:

Mr. Ray stated there were a number of reasons Maracay chose to gate the community, including their investment in the HOA amenity and the layout of the site. The scale of the plan does not show all of the pedestrian connectivity that is running through the site. There is a strong desire for it to be a very pedestrian-friendly community. One way to slow down the traffic and minimize the amount of traffic that comes through the site is to gate it, while still allowing for pedestrian access to occur through the site. Although this school is not within the community, Navarrete Elementary is located in the middle of the Sun Groves community. Access to the school will be out in front. In working with Chandler Unified, a pedestrian access gate will be provided through this community to the school. People to the north and east crossing Val Vista, which will be a six-lane highway at full build-out, will have the ability to take the public sidewalk along Appleby and 148 Street and will have access through the community through those pedestrian gates along the 8-foot sidewalk. Schools create a huge amount of traffic and headaches. The prospect for these residents having a bunch of vehicles coming through and cars lining up within the neighborhood for the school will detract from what Maracay is trying to create in this development. The gating allows Maracay to provide private streets, and as a result, deeper rear yards for these homeowners. The 32' wide private streets exceed the town standards of 29' and there will be the ability for residents to park on both sides. The goal is to create a pedestrian experience for the residents within and for those outside this development. Mr. Ray did not understand Mr. Brown's comments regarding the activities on the east side. The collector street system will be completed as part of this development with 148 Street, Brooks Farm Road and Appleby Road. At the end of the day, there will be a better improved street circulation system with collectors and arterials designed to move traffic. The town's capital improvement project will improve Val Vista to make it a six-lane super highway. He would be happy to answer any additional questions. He appreciated staff's recommendation and requested that the Commission recommend approval.

COMMISSION QUESTIONS/COMMENTS:

Commissioner September asked whether the pedestrian access gates would be physically opened during the day or simply unlocked so that people will have to open them.

Mr. Ray stated the pedestrian gates will have keypads that will only be active at night. He has had friends in gated communities that give out the gate code to be able to drive in as well as use the pedestrian gates. The gates will be closed but unlocked and people will be able to open the gate and walk through during the appropriate times.

Chair Andersen asked about the purpose of gating this community as there was concern from the public regarding the pedestrian gates.

Mr. Ray thought he had touched on a number of reasons including the ability to slow down traffic and the sizable investment by Maracay into the amenity center. The desire is to discourage people who do not live in that community from using the HOA amenity center in the middle. There is also a perception of security that a gated community brings.

Chair Andersen asked if it would be possible to gate around that amenity instead of the entire community.

Mr. Ray had gone through a number of reasons why they were gating the entire community. The development meets the provisions in the General Plan. There has been a lot of discussion with staff about the gating, and to have staff be supportive of that carries a lot of weight for him personally. The guiding criteria talks about pedestrian connectivity and we are still providing that.

Commissioner Smith noted one of the speakers talked about her family and riding bikes. He asked if bikes would be allowed to go through for kids on their way to school.

Mr. Ray stated absolutely bikes would be allowed. That is one of the reasons for the wider 8-foot sidewalk to provide enough space for people to ride bikes and walk.

Chair Andersen noted the comment about access on Halloween for kids trick-or-treating past dusk. Halloween is a huge holiday where everyone gets together as a community.

Mr. Ray would be happy to look at programming the gates to allow access on those special occasions.

Vice Chair Bloomfield appreciated the concerns brought up by the public. He was typically not a fan of gating an entire 160 acres for all of the reasons mentioned tonight including not being inclusive. He now understood the reasons for gating the community, such as narrowing the street sections in order to get a deeper back yard because the applicant has learned that is a preference of home buyers. He also understood the big investment and the desire to gate it off. He had a similar thought to just gate around that investment and the larger lots. It is a little late for that discussion because the applicant has their land plan and has done all their homework to make sure it works. On the south, the gate was just for the larger lots. Although irrelevant to the case tonight, he was still curious what the plan was on the other lots.

Mr. Ray understood that there were some members of the Commission who were not on board when the 160 acres to the south came in where half of the development was gated and half was not. He heard the discussions tonight and there were discussions with staff related to gating. It is yet undecided whether or not the middle section will be gated. It is not that far into the planning process, although hearing the concerns of the neighbors and the discussion on the dais tonight, that is something they will take a hard look at.

Commissioner Mundt asked staff if the \$3 million investment was grossly larger than other developments of this size and scope for ungated communities within Gilbert in the recent past.

Nathan Williams was not sure what is normally done with amenity packages. The scale of this development is much larger than many others. Maracay could advise about the amount of infrastructure, time and money they put into Hamstra Dairy or Waterston to the south. The scale makes it by default something that will be fairly significant with \$3 million. It is definitely a quality investment in a master planned community.

Commissioner Mundt clarified that if it were a Gilbert school, the rules would not be any different.

Chair Andersen closed the public hearing and brought the discussion back to the dais.

DISCUSSION AMONG COMMISSION:

Commissioner Cavenee thanked those that came to speak on this item. They made some wonderful points. He does not normally appreciate gating unless there are good reasons. In this case, the applicant makes some pretty good points and the uniqueness of this development matters. The positioning of the school is perhaps not typical so ingress and egress for that school can be a challenge for those neighbors if those streets are not used properly. He is sensitive to the impacts of school traffic on a neighborhood and can appreciate the gating rationale there. He felt they could have gone either way with the pedestrian gates, perhaps leaving them completely open with no gate and only blocking cars. At least they have gone to some middle ground by doing a keypad with daytime access. He appreciated the articulation and the points brought forward, although in this case he was supportive of the gating here. It will be interesting to see how the next piece develops and it will depend on the design and the dynamics.

Commissioner September appreciated meeting with the applicant as well as the town planner regarding the changes to the proposal since the Study Session. He was glad to see the applicant made reductions in the lot count going from 42% to 16% on the SF-D. He liked the increased size of the lot depth and square footage. The gating allowed for the narrower streets to provide that additional space for the home product. He was supportive of the applicant and what they have done to make significant changes, especially with all of the SF-D that was originally along Val Vista Road bordering the larger parcels on the east side of the street. He thanked Nathan Williams for answering his questions over the last few months and wished him good luck in the traffic department.

Commissioner Simon thanked the members of the community for coming out and stating their case and he appreciated their concerns. He agreed with the comments regarding the school traffic. He sees less kids walking to school and more and more parents driving through the neighborhoods quite quickly. In this situation

with the proximity of the school in the neighborhood and the way the streets are lined out, he felt we would probably see a very similar situation. He liked that the applicant has made concessions with regards to the gates being unlocked as well as the wider sidewalks to allow bikes and walking through the community. He was in support of the development.

Commissioner Mundt felt schools were important as learning will make kids smart citizens. He also lives near a school. He was not a huge fan of gates, but he does recognize the vast changes to the plan and the adoption of a lot of the comments by the applicant. He understood the business case of the safety and security, although he found it to be an absolute illusion as the gates are really not hard to get through. He appreciated all of the efforts by the applicant.

Chair Anderson mentioned a possible stipulation regarding programming the pedestrian gates to be open past dusk during certain holidays and other special events.

Vice Chair Bloomfield appreciated the sentiment but felt making a stipulation from a zoning standpoint was a bit much. There will be an HOA in charge of the community and the residents will eventually take that over and decide what to do with the gates. This Commission can make that recommendation as a good idea from a community standpoint. Maracay has proven to be a good developer and are certainly making a huge investment into the Town of Gilbert in this area. He did not feel the request would fall on deaf ears. They can figure out how best to do that within their own community.

Commissioner Smith felt it should be left up to the HOA to decide on a case by case basis whether to open their gates for weddings or other special events. There are gated communities in his neighborhood and when there are events, it is well known that the gates will be open for a certain period of time.

Chair Andersen noted in the winter it is not light out until 7 a.m. and the kids are still on their way to school and may need to go through those gates. It is a security issue.

Commissioner Mundt asked if a kid was at the gate and didn't know the code would he have to walk out to Val Vista or would there be a way to call in for access.

Commissioner Cavenee would not want to render some kind of stipulation that has to be managed from the dais. He would prefer to leave it up to the HOA.

With no further discussion, Chair Andersen entertained a motion.

MOTION: Commissioner Cavenee, for the reasons set forth in the staff report, moved to recommend approval to the Town Council for Z19-17, Berge Val Vista North, as requested, subject to the conditions listed in the staff report; seconded by Commissioner Smith.

Motion passed 7-0.

Chair Anderson thanked everyone who came out to speak. Their comments are greatly appreciated.

ADMINISTRATIVE ITEMS

21. Planning Commission Minutes - Consider approval of the minutes of the Study Session and Regular Meeting of January 8, 2020, and the Special Meeting of January 22, 2020.

MOTION: Vice Chair Bloomfield moved to approve the minutes of the Study Session and Regular Meeting of January 8, 2020, and the Special Meeting of January 22, 2020; seconded by Commissioner Mundt.

Motion passed 7-0.

COMMUNICATIONS

18. Report from Chairman and Members of the Commission on current events:

Commissioner Mundt provided an update on an injury he sustained at the Desert Sky Park ninja course. His doctor advised that he did not need surgery.

19. Report from Planning Services Manager on current events:

Eva Cutro thanked everyone for their help on General Plan, which passed unanimously through Council. The Planning Commission, staff, the public, and the advisory group all did a tremendous amount of work.

ADJOURNMENT

With no further business before the Planning Commission, Chair Andersen adjourned the Regular Meeting at 7:45 p.m.

Brian Andersen, Chairman

ATTEST:

Dana Desing, Recording Secretary